

**REMARKS**

Entry of the foregoing, reexamination and reconsideration of the subject application are respectfully requested in light of the amendments above and the comments which follow.

As correctly noted in the Office Action Summary, claims 1-12 were pending. By the present response, claims 1, 7 and 11 have been amended, claim 8 canceled, and claims 13-16 added. Thus, upon entry of the present response, claims 1-7 and 9-16 are pending and await further consideration on the merits.

Support for the foregoing amendments can be found, for example, in at least the following locations in the original disclosure: page 9, lines 4, 12-14 and 23-24; page 10, lines 2-3; page 12, lines 4-9; Figures 1 and 5-7; and the original claims.

***CLAIM REJECTIONS UNDER 35 U.S.C. §102***

Claims 1-5 and 7-12 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,890,393 to St. Jean (hereafter "St. Jean") on the grounds set forth in paragraph 2 of the Official Action. For at least the reasons noted below, this rejection should be withdrawn.

The present invention is directed to a measuring tape end piece and a method of making a measuring tape end piece.

One problem with many known tape measures is the tendency of the end hook to slip, particularly when the rearward face of the end hook is used to retain the free end of the blade at an edge or corner. Attempts to address this deficiency possess certain disadvantages. For example, the rearward face of the end hook has been provided with an abrasive material. However, such abrasives can scratch or

damage surfaces which are being measured, or they can wear away to leave little or no grip between the end hook and the surface to be measured. Other conventional solutions include applying a rubber film to the rearward and/or forward faces of an end hook by means of an adhesive. However, such films are retained only by the adhesive which may wear out or which may not withstand repeated use of the end hook of the tape measure.

A tape measure end piece, and method of making the same, according to the principles of the present invention addresses one or more of the above-mentioned deficiencies. An end piece for a measuring tape formed according to the principles of the present invention are set forth in amended claim 1. Amended claim 1 recites:

*1. An end piece for attachment to a free end of a measuring tape, the end piece comprising an end hook with a support portion formed of a first material and a grip portion formed of a second material, wherein the grip portion embraces an end surface or edge of the support portion and the support portion provides a keying interface on which the grip portion is moulded, thereby securing the grip portion to the support portion.*

A method of forming an end piece for a tape measure performed according to the principles of the present invention is set forth in amended claim 11. Amended claim 11 recites:

*11. A method of forming a the measuring tape end piece according to claim 1, the method comprising: providing a support portion of an end hook, the support portion being formed of a first material and having a keying surface; and moulding a grip portion, formed of a second material, onto the keying surface, thereby to secure the grip portion to the support portion, the grip portion embracing an end surface or edge of the support portion.*

St. Jean clearly fails to anticipate the end piece of claim 1 or the method of claim 11.

*St. Jean* is directed to an attachment which acts as a guide for use in marking an outline or the like on a work piece using a measuring tape. The guide device (10) of *St. Jean* is clearly not an end piece at all. As illustrated, for example, in Figure 1, a tape measure having an end piece (32) is illustrated therein, in conjunction with the guide (10). The end piece (32) of the measuring tape of *St. Jean* clearly lacks any of the features of the end piece recited in claim 1 or the method of claim 11.

Moreover, assuming *arguendo* that one could interpret the guide device (10) as constituting an "end piece," the guide 10 also clearly lacks the features recited in either claim 1 or claim 11.

Claim 1 clearly recites an end piece comprising an end hook with a support portion formed of a first material and a grip portion formed of a second material. Similarly, claim 11 is directed to a method which includes the step of molding a grip portion, formed of a second material, onto a support portion formed from a first material of an end hook. *St. Jean* clearly fails to disclose such a construction.

In paragraph 2 of the Official Action, it is asserted that column 3, lines 57-62 of *St. Jean* discloses the construction described in claim 1. This assertion is respectfully traversed. The above-identified portion of the *St. Jean* disclosure is reproduced below:

The device as described in detail with respect to the FIG. 2 embodiment, which is the simplest form, can be stamped from suitable material and bent into the appropriate shape or molded into the illustrated configuration. The device may be made from metal and/or a plastics material.

The above-quoted disclosure clearly fails to describe an end hook having a support portion formed of a first material and a grip portion formed of a second material, as described in claim 1. There is absolutely no guidance whatsoever as to

which parts and/or components of the guide (10) of *St. Jean* is to be formed of metal and which is to be formed of plastic, much less any disclosure of a "composite" end hook of an end piece. The level of disclosure of *St. Jean* clearly fails to establish anticipation of the features recited in claim 1. Similarly, *St. Jean* also fails to anticipate the method recited in claim 11. In this regard, it is noted that the method of claim 11 further requires the second portion to be molded over the first portion. The above-quoted portion of the *St. Jean* disclosure clearly fails to establish the level of detail necessary to anticipate the method of claim 11.

For at least the reasons noted above, reconsideration and withdrawal of the rejection is respectfully requested.

Claims 2-5 and 7-12 depend from either claims 1 or 11. Thus, these claims are also not anticipated by *St. Jean* for at least the same reasons noted above.

Similarly, newly presented claims 13-16 depend either directly, or indirectly, upon claim 1. Thus, these claims are also distinguishable over *St. Jean* for at least the same reasons noted above.

#### ***ALLOWABLE SUBJECT MATTER***

Applicants note with appreciation the indication that claim 6 contains allowable subject matter, as noted in paragraph 3 of the Official Action.

**CONCLUSION**

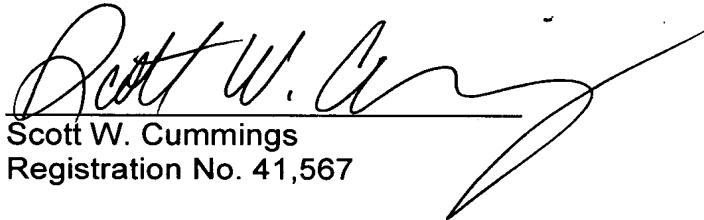
From the foregoing, further and favorable action in the form of a Notice of Allowance is earnestly solicited. Should the Examiner feel that any issues remain, it is requested that the undersigned be contacted so that any such issues may be adequately addressed and prosecution of the instant application expedited.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: June 7, 2007

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